

REMARKS

Applicants appreciate the Examiner's thorough examination of the present application as evidenced by the Office Action of November 6, 2006 (hereinafter "Office Action"). Applicants especially appreciate the decision to withdraw the previous rejection in response to Applicants' Pre-Appeal Brief Request For Review. Similar to the previous Office Actions in the present case, the present Office Action continues to reject the independent claims under 35 U.S.C. §103, but cites a new secondary reference. Applicants maintain, however, that the newly cited secondary reference fails to provide teachings that are acknowledged as missing from the primary reference, such as obtaining authorization from a media broadcaster to allow the streaming media to be rebroadcast over the wireless network and obtaining a subscription at the wireless network from the at least one mobile terminal that receives the rebroadcast of the streaming media. Accordingly, Applicants submit that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 1, 12, and 23 are Patentable

Independent Claims 1, 12, and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over United States Patent Publication No. 2004/0057420 to Curcio *et al.* (hereinafter "Curcio") in view of United States Patent Publication No. 2003/0181160 to Hirsch (hereinafter "Hirsch"). (Office Action, page 2). Independent Claim 1 recites, in part:

providing a wireless communication network that has bandwidth associated therewith to facilitate communication between at least one mobile terminal and another communication device;

obtaining authorization from a media broadcaster that provides streaming media to rebroadcast the streaming media over the wireless network;

obtaining a subscription at the wireless network from the at least one mobile terminal for the streaming media; then

transmitting the streaming media to the at least one mobile terminal using the bandwidth associated with the wireless network.

Independent Claims 12 and 23 include similar recitations. As highlighted above, authorization is obtained from a media broadcaster to rebroadcast streaming media over a wireless network. A subscription is obtained at the wireless network from one or more mobile terminals for the streaming media.

The Office Action alleges that Curcio teaches most of the recitations of Claim 1, but acknowledges that Curcio fails to disclose obtaining authorization from a media broadcaster to allow the streaming media to be rebroadcast over the wireless network and obtaining a subscription at the wireless network from the at least one mobile terminal that receives the rebroadcast of the streaming media. (Office Action, page 3). The Office Action alleges, however, that Hirsch provides the teachings missing from Curcio. (Office Action, page 3).

In particular, the Office Action cites paragraphs 19, 20, and 30 of Hirsch as providing the teachings missing from Curcio. These paragraphs describe the electronic media distribution system 10 of FIGS. 1, 2, and 4 of Hirsch. In sharp contrast to the recitations of independent Claims 1, 12, and 23, however, Hirsch does not disclose or suggest obtaining authorization from a media broadcaster to allow streaming media to be rebroadcast over a wireless network and/or obtaining a subscription at the wireless network from one or more mobile terminals that receive the rebroadcast of the streaming media. In more detail, while Applicants acknowledge that Hirsch discloses a wireless carrier network 48 that communicates with a broadcast provider 20 (Hirsch paragraph 19; FIG. 1), the wireless carrier network 48 is not used to rebroadcast media from the broadcast provider. Rather, the wireless carrier network 48 is used to provide a communication link between the media receiver 28 and the authentication/provisioning system 16. (Hirsch, paragraphs 30 - 31; FIGS. 2, 4, and 5). The wireless carrier network 48 along with the communications link 60 shown in FIGS. 1 and 4 of Hirsch are used to allow the authentication/provisioning server 54 shown in FIG. 1 of Hirsch to determine the geographic position of the media receiver and perform authorization/provisioning operations as discussed in paragraphs 30 - 41.

Applicants further note that the satellite antenna 24 shown in FIG. 1 of Hirsch is adapted to transmit broadcast transmissions to the satellite 18. (Hirsch, paragraph 19; FIG. 1). There is no disclosure or suggestion in Hirsch that the satellite antenna 24 may receive

broadcast transmissions from the satellite 18. Thus, Hirsch's distribution system 10 is incompatible with rebroadcasting transmissions from the satellite 18 over the wireless carrier network 48 as the broadcast provider 20 is incapable of receiving the transmissions from the satellite 18.

Accordingly, Applicants respectfully submit that Hirsch fails to disclose or suggest, at least the recitations of independent Claims 1, 12, and 23 related to obtaining authorization from a media broadcaster to allow the streaming media to be rebroadcast over the wireless network and obtaining a subscription at the wireless network from the at least one mobile terminal that receives the rebroadcast of the streaming media, which are acknowledged in the Office Action as missing from Curcio.

For at least the foregoing reasons, Applicants respectfully submit that independent Claims 1, 12, and 23 are patentable over Curcio in view of Hirsch, and that dependent Claims 2 - 10, 13 - 21, and 24 - 32 are patentable at least by virtue of their depending from an allowable claim.



In re: Dennison et al.
Serial No.: 10/732,784
Filed: December 10, 2003
Page 11 of 11

CONCLUSION

In light of the above remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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